

IDAHO OFFICE

RIVERSIDE BUILDING, SUITE 3 204 EAST SUPERIOR STREET SANDPOINT, IDAHO 83864 TELEPHONE (208) 263-2052

- C D RANDALL (1885-1967)
- F B. DANSKIN (1889-1971)
- A. A. LUNDIN [1914-1976]
- G L KIMER (1918-1988)

PORERT T CARTER (WA. ID. OR) OF COUNSEL

March 25, 1997

PAUL J. ALLISON (WA)

VIA FEDEX

Mr. William Caton Secretary Federal Communications Commission 1919 M Street, N.W. Room 222 Washington, D.C. 20554

Re:

In the Matter of a Petition to Amend the FM Table of Assignments to add Channel 221A to St. Maries, Idaho MM Docket No. 96-249; RM-8926

Dear Secretary Caton:

This firm acts as local counsel to Spokane Public Radio, Inc. ("Spokane Public Radio"), the licensee of station KPBX-FM in Spokane. The undersigned is also vice chairman of the board of directors of Spokane Public Radio. This letter is written in response to certain factual statements made by Pentacle Investments, Inc. ("Pentacle") in its Reply Comments of Pentacle Investments, Inc. dated February 18, 1997.

At paragraph 2 of its reply, Pentacle asserts that the alternative site recommended by Spokane Public Radio in its alternative proposal is "owned by a timber conglomerate and no site is available for rent, purchase or lease, nor is an easement available for electricity or a road."

The alternate site recommended by Spokane Public Radio in its alternative proposal is owned by Inland Empire Paper Company, whose address is 3320 Argonne Road, Spokane, Washington 99206. On March 20, 1997, the undersigned wrote Mr. Dennis Parent, the Forest Operations Manger of Inland Empire Paper Company, to determine, among other things, whether Pentacle had contacted Inland Empire Paper regarding the leasing of the alternative site. The undersigned was informed by Mr. Parent on March 24, 1997 that Inland Empire Paper Company has never been contacted by Pentacle for a possible lease or for any other reason.

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Mr. William Caton Federal Communications Commission March 25, 1997

A copy of the undersigned's letter to Mr. Parent containing Mr. Parent's handwritten response is enclosed herewith.

Very truly yours,

RANDALL & DANSKIN, P.S.

Douglas Siddoway

cc: Mr. Dick Kunkel

Mr. Leonard S. Joyce, Esq.

DANSKIN, I

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ROBERT T. CARTER (WA, ID, OR)

VIA FAX: 927-8461 and REGULAR MAIL

March 20, 1997

Mr. Dennis Parent Forest Operations Manager Inland Empire Paper Company 3320 Argonne Road Spokane, WA 99206

> Re: KPBX Spokane Public Radio

Our File No. 40161

Dear Mr. Parent:

As I informed your secretary on Thursday afternoon, we are counsel to Spokane Public Radio, Inc., the licensee of station KPBX-FM in Spokane. Spokane Public Radio recently acquired another FM frequency and has submitted an application to the Federal Communications Commission to increase the power for that frequency. This application has been contested by Pentacle Investments, Inc., which has filed a separate application with the FCC seeking a license to establish an FM station in St. Maries. Pentacle Investments claims that Spokane Public Radio's upgraded signal would interfere with its proposed St. Maries signal, and that an alternate location for its tower and transmitter - being a site just north of Canyon Creek, in Township 45 North, Range 1 West - is not available. Pentacle has, in fact, advised the FCC that this alternative location is owned by a "timber conglomerate," that it is "not available for rent, purchase or lease," and that "no easement for a road or electricity exists."

Based on prior information, we believed, albeit erroneously, that the alternate site was on land owned by Potlatch Corporation. We have since been advised by Bill Davis of Potlatch that the property is, in fact, owned by Inland Empire Paper Company. A copy of Mr. Davis' letter and map are enclosed herewith.

We would appreciate it if you could answer the following questions for us, preferably in writing:

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Mr. Dennis Parent March 20, 1997 Page 2

- Has Pentacle Investments, Inc. contacted Inland Empire Paper Company regarding a possible lease of the St. Maries location as a broadcast transmission site?
- Is Inland Empire Paper Company willing to discuss the possibility of entering into a lease of the location as a broadcast transmission site, and granting easements for a road and for electricity to the site?

Your assistance in this regard is very much appreciated. Please do not hesitate to call the undersigned if you need additional information. Our telephone number is (509) 747-2052; our telefax number is (509) 624-2528.

Very truly yours,

RANDALL & DANSKIN, P.S.

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Douglas J. Siddoway

DJS:jc

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Encs.: Copy of Mr. Davis' letter dated March 19, 1997, and map

To our knowledge, IEPCo has never been contacted by Pertacle Onvestments for a possible lease or for any other reason

> 19 R. Parent Forest Operations mgs 1EPCa